

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 Valuation of Security

1 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

In Re: Cheryl S. Hargrave

Case No.: 19-19046

Judge: \_\_\_\_\_

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS - AMENDED**

☐ Original

☒ Modified/Notice Required

Date:

August 20, 2019

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney \_\_\_\_\_ Initial Debtor: CSH Initial Co-Debtor \_\_\_\_\_

### Part 1: Payment and Length of Plan

- a. The debtor shall pay 540.00 Monthly\* to the Chapter 13 Trustee, starting on June 1, 2019 for approximately 60 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
  - ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_
  - ☐ Refinance of real property:  
Description:  
Proposed date for completion: \_\_\_\_\_
  - ☐ Loan modification with respect to mortgage encumbering property:  
Description:  
Proposed date for completion: \_\_\_\_\_
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

### Part 2: Adequate Protection

☒ NONE

- a. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).
- b. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Georgette Miller, Esq.	Attorney Fees	4,060.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:  
☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Ditech Financial Llc	200 Gloucester Ave Somerdale, NJ 08083 Camden County	27,831.54	0.00	27,831.54	1,257.50

##### b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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##### d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-							
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ■ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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**f. Secured Claims Unaffected by the Plan ■ NONE**

The following secured claims are unaffected by the Plan:

Creditor

**g. Secured Claims to be Paid in Full Through the Plan ■ NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
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**Part 5: Unsecured Claims ■ NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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**Part 6: Executory Contracts and Unexpired Leases ■ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Toyota Motor Credit	0.00	2019 Toyota Camry Lease Monthly payments: \$530.00	NO Arrearage	0.00

**Part 7: Motions** ☒ **NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ■ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ■ NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ■ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages

- 5) Priority Claims  
6) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☒ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: July 3, 2019.

Explain below <b>why</b> the plan is being modified: <b>the assumed lease is too ambiguous and the arrearage owed on the Primary Residence was incorrect.</b>	Explain below <b>how</b> the plan is being modified: <b>included the year make and model of assumed lease and updated the correct arrearage amount owed on Primary Residence</b>
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Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10 : Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☐ NONE

☒ Explain here:

**\*This plan is a step plan or has lumpsum payments as follows: \$540.00 per month for 2 months, then \$602.00 per month for 58 months**

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: August 20, 2019

/s/ Cheryl S. Hargrave

Cheryl S. Hargrave

Debtor

Date: \_\_\_\_\_

Joint Debtor

Date: August 20, 2019

/s/ Georgette Miller, Esq.

Georgette Miller, Esq.

Attorney for the Debtor(s)

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Cheryl S. Hargrave  
 Debtor

Case No. 19-19046-JNP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 39

Date Rcvd: Aug 22, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 24, 2019.

db  
 cr  
 518249664 +Cheryl S. Hargrave, 200 Gloucester Ave, Somerdale, NJ 08083-1634  
 518224447 +DITECH FINANCIAL LLC, Phelan Hallinan & Schmieg, PC, 1617 JFK Boulevard, Suite 1400,  
 Philadelphia, PA 19103-1814  
 518326513 +American Water, PO Box 371331, Pittsburgh, PA 15250-7331  
 518249666 +Apex Asset, 2501 Oregon Pike, Lancaster, PA 17601-4890  
 518249667 +Bank of Missouri, PO Box 89725, Sioux Falls, SD 57109-9725  
 518398655 +Borough of Somerdale, 105 Kennedy Blvd, Somerdale, NJ 08083-1018  
 518249668 +Byram, PO Box 277596, Atlanta, GA 30384-7596  
 518350117 +CAMDEN COUNTY MUA, 1645 Ferry Ave, Camden, NJ 08104-1311  
 518346406 +CDGCSV70, PO Box 857, Oaks, PA 19456-0857  
 +DITECH FINANCIAL LLC, P.O. BOX 12740, TEMPE AZ 85284-0046  
 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,  
 Kirkland, WA 98083-0657  
 518224449 +Dsnb Macys, Po Box 8218, Mason, OH 45040-8218  
 518322899 EMERGENCY PHYSICIAN ASSOCIATES OF S.JERSEY,PC, PO Box 1123, Minneapolis, MN 55440-1123  
 518224450 +Financial Recoveries, 200 E Park Dr Ste 100, Mount Laurel, NJ 08054-1297  
 518249669 +Kennedy Medical Group, P.O. Box 95000, CL 4570, Philadelphia, PA 19195-0001  
 518249670 Lourdes Cardiology Services, PC, PO BOX 824699, Philadelphia, PA 19182-4699  
 518224451 +Macys/dsnb, Po Box 8218, Mason, OH 45040-8218  
 518249671 +New Jersey Urology LLC, 1515 Broad Street, Suite B130, Bloomfield, NJ 07003-3085  
 518251422 +PHEAA, PO Box 8147, Harrisburg PA 17105-8147  
 518249674 PSE&G, P. O. Box 14444, New Brunswick, NJ 08906-4444  
 518249672 Penn Medicine, PO BOX 824406, Philadelphia, PA 19182-4406  
 518250352 Penn Medicine, UPHS Physicians Patient Pay, PO Box 824406, Philadelphia, PA 19182-4406  
 518249673 +Pennsylvania Department of Labor, Office of UC Benefits, UI: Payment Services,  
 PO Box 67503, Harrisburg, PA 17106-7503  
 518224452 +Pheaa, Po Box 61047, Harrisburg, PA 17106-1047  
 518249676 +Radius Global Solutions LLC, P.O. Box 390846, Minneapolis, MN 55439-0846  
 518249677 Regional Sewer Service, PO BOX 1105, Bellmawr, NJ 08099-5105  
 518224453 +Thom/total Crd, 5109 S Broadband Ln, Sioux Falls, SD 57108-2208  
 518249679 +The Bank of Missouri, PO Box 5235, Sioux Falls, SD 57117-5235  
 518301413 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,  
 Addison, Texas 75001-9013  
 518377419 +Toyota Lease Trust, Kevin G. McDonald, Esquire, 216 Haddon Avenue, Ste. 406,  
 Westmont, NJ 08108-2812  
 518224454 +++Toyota Motor Credit, P.O. Box 4102, Carol Stream, IL 60197-4102  
 518224455 U S Dept Of Ed/Gsl/Atl, Po Box 4222, Iowa City, IA 52244  
 518224456 +Us Dept Of Ed/glelsi, 2401 International Lane, Madison, WI 53704-3121  
 518249680 +Utility Delinquent Notice, Borough of Somerdale, PO Box 216, Somerdale, NJ 08083-0216

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usan.j.njbankr@usdoj.gov Aug 23 2019 00:24:14 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Aug 23 2019 00:24:12 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 518249665 +E-mail/Text: g20956@att.com Aug 23 2019 00:24:38 At&t, P.O.Box 537104,  
 Atlanta, GA 30353-7104  
 518297591 +E-mail/Text: bankruptcy@cavps.com Aug 23 2019 00:24:29 Cavalry SPV I, LLC,  
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321  
 518224448 +E-mail/Text: bankruptcy.bnc@ditech.com Aug 23 2019 00:23:53 Ditech Financial Llc,  
 Po Box 6172, Rapid City, SD 57709-6172

TOTAL: 5

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

518348000 DITECH FINANCIAL LLC  
 518249678 Taxpayer Resolution, N/A  
 518251423\* +PHEAA, PO Box 8147, Harrisburg PA 17105-8147  
 518330867\* +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,  
 Addison, Texas 75001-9013  
 518249675 ##+Radiology Assoc of New Jersey, PC, PO Box 1343, Indianapolis, IN 46206-1343

TOTALS: 2, \* 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '+++' were transmitted to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(e).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 39

Date Rcvd: Aug 22, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 24, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 20, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Georgette Miller on behalf of Debtor Cheryl S. Hargrave info@georgettemillerlaw.com,  
georgettemillerlaw@gmail.com;gmecfmail@gmail.com;dmayberry@georgettemillerlaw.com;smithcr50524@no  
tify.bestcase.com;GNonnenberg@georgettemillerlaw.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
Kevin Gordon McDonald on behalf of Creditor Toyota Lease Trust kmcdonald@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Nicholas V. Rogers on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com  
Sherri Jennifer Smith on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com,  
nj.bkecf@fedphe.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8